

<div data-bbox="235 220 714 493"> <p>IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION</p> <p>JASON ROCHER, ET AL Each Individually and on behalf of All Others Simultaneously Sued</p> <p>VERSUS S-3 PUMP SERVICE, INC.</p> <p>NO. 1519-CV-267-RB</p> </div> <div data-bbox="235 682 722 735"> <p><u>30(b)(6) DEPOSITION OF S-3 PUMP SERVICE, INC.</u> <u>DEPOSITION OF MALCOLM H. SNEED, III</u> September 29, 2015</p> </div> <div data-bbox="235 850 487 913"> <p>Reported By: Donna B. Crenshaw Certified Court Reporter</p> </div> <div data-bbox="381 955 641 997"> <p>Accurate Reporting of Shreveport, Inc. (318) 425-1323</p> </div>	<div data-bbox="852 157 1356 388"> <p>INDEX OF PROCEEDINGS</p> <p>Stipulations.....4</p> <p>The Witness: MALCOLM H. SNEED, III</p> <p>Examination</p> <p>By Ms. Jackson.....5</p> <p>By Mr. Hilburn.....156</p> </div> <div data-bbox="852 430 1461 924"> <table border="1"> <thead> <tr> <th>Exhibits</th> <th>Page Number First Referred To:</th> </tr> </thead> <tbody> <tr><td>1...</td><td>6</td></tr> <tr><td>2...</td><td>8</td></tr> <tr><td>3...</td><td>32</td></tr> <tr><td>4...</td><td>34</td></tr> <tr><td>5...</td><td>39</td></tr> <tr><td>6...</td><td>44</td></tr> <tr><td>7...</td><td>50</td></tr> <tr><td>8...</td><td>53</td></tr> <tr><td>9...</td><td>54</td></tr> <tr><td>10...</td><td>60</td></tr> <tr><td>11...</td><td>65</td></tr> <tr><td>12...</td><td>127</td></tr> <tr><td>13...</td><td>145</td></tr> <tr><td>14...</td><td>147</td></tr> </tbody> </table> </div> <div data-bbox="1015 997 1331 1060"> <p>Accurate Reporting of Shreveport, Inc. (318) 425-1323</p> </div>	Exhibits	Page Number First Referred To:	1...	6	2...	8	3...	32	4...	34	5...	39	6...	44	7...	50	8...	53	9...	54	10...	60	11...	65	12...	127	13...	145	14...	147
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<div data-bbox="186 1071 730 1564"> <p>APPEARANCES</p> <p>APPEARING ON BEHALF OF THE PLAINTIFFS:</p> <p>MR. JOSH SANFORD MR. CHRISTOPHER BURKS MS. MARYNA JACKSON Sanford Law Firm, LLC One Financial Center 650 South Shackleford, Suite 411 Little Rock, Arkansas 72211 (501) 221-0088</p> <p>APPEARING ON BEHALF OF THE DEFENDANT:</p> <p>MR. CARY HILBURN Hilburn & Hilburn 220 Carroll Street, Building B Shreveport, Louisiana 71105 (318) 868-8810</p> </div> <div data-bbox="332 1921 649 1974"> <p>Accurate Reporting of Shreveport, Inc. (318) 425-1323</p> </div>	<div data-bbox="852 1092 1502 1648"> <p>The Rule 30(b)(6) deposition of S-3 Pump Service, Inc., Malcolm H. Sneed, III, being taken by counsel for Plaintiffs, pursuant to notice by and between counsel, for all purposes allowed under the Federal Rules of Civil Procedure, before Donna B. Crenshaw, Certified Court Reporter, at the offices of Hilburn & Hilburn, 220 Carroll Street, Building B, Shreveport, Louisiana, on the 28th day of September, 2015.</p> <p>It being agreed and stipulated by and between counsel that all formalities with the exception of the swearing of the witness are waived; it being further stipulated that the reading and signing of the deposition is not waived by counsel and deponent; it being further stipulated that all objections except as to the form of the question and the responsiveness of the answer are reserved until time of trial.</p> </div> <div data-bbox="998 1911 1323 1974"> <p>Accurate Reporting of Shreveport, Inc. (318) 425-1323</p> </div>																														

<p style="text-align: right;">21</p> <p>1 office.</p> <p>2 Q. Does your wife has an office?</p> <p>3 A. Yes. She is my executive secretary.</p> <p>4 Q. So you say you are responsible for insurance,</p> <p>5 handling insurance, for S-3 Pump Service?</p> <p>6 A. Yes.</p> <p>7 Q. You mean workers' comp insurance?</p> <p>8 A. Workers' comp, general liability; everything</p> <p>9 we need.</p> <p>10 Q. Okay. Do you know if S-3 Pump Service have</p> <p>11 any insurance that covers this type of lawsuits?</p> <p>12 A. I haven't checked, but probably not.</p> <p>13 Q. Okay.</p> <p>14 A. No. Cover a lawsuit like this?</p> <p>15 Q. Yeah.</p> <p>16 A. No, there is no insurance.</p> <p>17 Q. Any lawsuits {sic} for employment-type</p> <p>18 lawsuits?</p> <p>19 A. No.</p> <p>20 Q. Do you have workers' comp insurance?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. You also said that you're responsible</p> <p>23 for payroll as part of S-3 Pump Service?</p> <p>24 A. Well, not necessarily doing payroll, but that</p> <p>25 everything is done in accordance with what we do. If</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">23</p> <p>1 Q. Okay. And then you said vice-president is</p> <p>2 responsible for payroll, as well?</p> <p>3 A. Vice-president of the corporate office, yes.</p> <p>4 Q. Who is that?</p> <p>5 A. That would be Courtney Sneed.</p> <p>6 Q. Is that your daughter?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. What are her job duties relating to payroll?</p> <p>9 A. Her job duties are to look over payroll after</p> <p>10 it's been generated within the system and to okay yes,</p> <p>11 we can go ahead and print checks.</p> <p>12 Q. So do you report to anybody at S-3 Pump</p> <p>13 Service, or you're the highest person?</p> <p>14 A. It's me.</p> <p>15 Q. Okay. Who reports to you?</p> <p>16 A. Who reports to me?</p> <p>17 Q. Yeah.</p> <p>18 A. Oh, God. First off, everybody in the</p> <p>19 company, but directly it would be Nicole and</p> <p>20 Courtney -- well, Nicole Scates; Courtney Sneed over</p> <p>21 corporate; Richard Silva, who is president of</p> <p>22 operations; and then Lesley Amos, my CFO; and then</p> <p>23 there's a chart that carries down below that.</p> <p>24 Q. Okay. And we're going to go over</p> <p>25 organizational chart a little bitter later. I think</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>
<p style="text-align: right;">22</p> <p>1 there's a problem with payroll, it gets wrote up, it</p> <p>2 comes to me, I have to sign off on it, and we fix</p> <p>3 whatever problem that was where we don't have it</p> <p>4 again. That's within the corporate structure.</p> <p>5 Q. So does S-3 Pump Service have a payroll</p> <p>6 department?</p> <p>7 A. Yes.</p> <p>8 Q. How many people work there?</p> <p>9 A. One and then her work is reviewed by one of</p> <p>10 the vice-presidents.</p> <p>11 Q. How many employees do you have right now,</p> <p>12 sir?</p> <p>13 A. We're way down. Probably, and I'm guessing,</p> <p>14 between 70 and 80.</p> <p>15 Q. And what was the highest number of employees</p> <p>16 S-3 Pump Service ever had?</p> <p>17 A. Last I heard was 165 at one point.</p> <p>18 Q. And this one payroll person handles payroll</p> <p>19 for everybody?</p> <p>20 A. That is correct.</p> <p>21 Q. So, no matter where employee works, in Texas,</p> <p>22 in Louisiana, anywhere in the field, that one person</p> <p>23 in payroll department handles payroll for every</p> <p>24 worker?</p> <p>25 A. That's correct.</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">24</p> <p>1 you produced that in discovery. We'll show it to you,</p> <p>2 but I just want to ask you some general questions</p> <p>3 before we get there.</p> <p>4 When was S-3 Pump Service incorporated?</p> <p>5 A. That would have been 1985 -- or '95, I think.</p> <p>6 I'm not real sure, but it was around 1995.</p> <p>7 Q. And you testified earlier that you only been</p> <p>8 CEO of S-3 Pump Service for about ten years?</p> <p>9 A. That's correct.</p> <p>10 Q. So did you run the company for the first ten</p> <p>11 years?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. The question I'm asking, was it</p> <p>14 incorporated in '95?</p> <p>15 A. 2005. I'm sorry.</p> <p>16 Q. 2005?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay.</p> <p>19 A. I have problems with numbers.</p> <p>20 Q. That's okay. I was trying to figure out</p> <p>21 because it sounded like 20 years, and I was wondering</p> <p>22 what happened.</p> <p>23 A. Yeah.</p> <p>24 Q. So you created this company ten years ago?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>

1 Q. And at the time when S-3 Pump Service was
2 created, you and your wife had the 50/50 ownership?

3 A. That's correct.

4 Q. And that's still how it works?

5 A. Yes, ma'am.

6 Q. And from the time when the company was
7 created, you were CEO and your wife was -- what did
8 you say was her job title?

9 A. Executive secretary.

10 Q. Executive secretary. And she has been your
11 executive secretary from the time when the company was
12 created; right?

13 A. Yes, you could say that.

14 Q. And there was no changes in ownership of the
15 company for the last ten years, was there?

16 A. No.

17 Q. Why did you create S-3 Pump Service?

18 A. Started it because I didn't like the way
19 Weatherford was treating its hands. It become an
20 unruly company. It started out with 5,000 people.
21 When I left, they had upwards of 65,000.

22 Me and my wife wanted to start a company. We
23 were -- we would be in control of what happened to the
24 hands, and they wouldn't be treated like they were in
25 a big corporation.

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1 Q. Okay. And what is the business of S-3 Pump
2 Service?

3 A. We're a pump company. Biggest majority of
4 our work is we do pump downs. On site we pump wire
5 line tools down horizontal pipe in the well.

6 Then we have miscellaneous pumping which is
7 less than five percent of the business and then some
8 acid work that we do, and that's it.

9 Q. Okay. Does S-3 Pump Service have any
10 subsidiaries?

11 A. No.

12 Q. Any parent companies?

13 A. No.

14 Q. Any affiliates?

15 A. When you say affiliates?

16 Q. Sister companies.

17 A. Are you asking me do I own other companies?

18 Q. No. I'm asking about right now about S-3
19 Pump Service.

20 A. S-3 Pump Service owns no other companies.

21 Q. Okay. Let me show you some documents.

22 What is Savannah Aviation, LLC?

23 A. Savannah Aviation?

24 Q. Yeah.

25 A. It's a holding company for some aircraft that

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1 I own.

2 Q. Is it an active company?

3 A. Yes.

4 Q. Okay. When was that company created?

5 A. I'll have to guess. Four or five years ago.

6 Q. Okay. Do you own that company?

7 A. Yes.

8 Q. And does your wife own that company, too?

9 A. Yes.

10 Q. Is it the same ownership, 50/50?

11 A. Yes.

12 Q. Okay. Do you hold any positions with
13 Savannah Aviation, LLC?

14 A. Owner.

15 Q. Okay. Are you actively involved in operation
16 of Savannah Aviation, LLC?

17 A. Can you clarify that?

18 Q. Okay. Some owners, for example, just own the
19 company and not involved in business of the company.
20 You know, don't have to do anything. Let somebody
21 else run it. And, for example, some owners are
22 actively involved in operation of the business, manage
23 the company.

24 A. I manage the company, run it.

25 Q. Okay. So do you hold any job title?

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1 A. I guess it would be CEO.

2 Q. Where is Savannah Aviation's offices located?

3 A. I guess it would be Barton, Barton Drive,
4 same place Pump's corporate office is.

5 Q. Does Savannah Aviation share employees with
6 S-3 Pump Service?

7 A. My CFO does the books for it.

8 MR. HILBURN: Maryna, I'm going to insert
9 an objection just it's outside the scope of the
10 designated areas.

11 MS. JACKSON: Okay.

12 BY MS. JACKSON:

13 Q. And by CFO, you mean Courtney Sneed?

14 A. No.

15 Q. Who is that?

16 A. Lesley Amos.

17 Q. Lesley Amos. So Lesley Amos, she's employed
18 as the CFO of S-3 Pump Services, Inc., and she is also
19 employed as CFO of Savannah Aviation, LLC?

20 A. She's not employed by Savannah.

21 Q. Okay.

22 A. She does that for me when she has spare time.

23 Q. Do you pay her for that?

24 A. Pay her?

25 Q. Yeah.

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- 1 A. Nine years.
- 2 Q. Did Richard provide any work for any of these
- 3 companies that we just went over?
- 4 A. No.
- 5 Q. Okay. So let's go back to Rule 30(b)(6)
- 6 deposition, the notice that we sent to you. In the
- 7 first topic in that notice it says -- let me show you.
- 8 Do you still have it?
- 9 A. I think you put it over there. Yes, here it
- 10 is.
- 11 Q. The first topic of the notice says,
- 12 "Defendant's corporate-wide organizational structure,
- 13 subsidiaries, parent companies, affiliates, including
- 14 the supervisory structure of and levels of supervision
- 15 since January 1, 2010."
- 16 A. Okay.
- 17 Q. Did we went over all companies that --
- 18 A. Yes.
- 19 Q. -- you had since 2010?
- 20 A. Yes, ma'am.
- 21 MS. JACKSON: Okay. Let me show you some
- 22 documents that were produced to us during the course
- 23 of discovery.
- 24 And I'm just pulling out organizational
- 25 chart, Cary, for your records.

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- 1 MR. HILBURN: Okay.
- 2 MS. JACKSON: And that's going to be
- 3 Exhibit 11.
- 4 BY MR. JACKSON:
- 5 Q. And this was produced to us by your attorney
- 6 several days ago before this deposition.
- 7 Okay. Have you seen this document before?
- 8 A. Yes, ma'am.
- 9 Q. Did you create this document, or somebody
- 10 else did?
- 11 A. Well, it's updated by somebody else.
- 12 Q. Okay. Did you originally put this document
- 13 together?
- 14 A. Years ago, our original organizational chart.
- 15 Q. Okay. So, when the -- when S-3 Pump Service
- 16 was created, you created organizational chart and the
- 17 structure of the company?
- 18 A. Yes. The bank wanted to see that.
- 19 Q. Okay. And then somebody else updated it at
- 20 some point?
- 21 A. Through the years, that's correct.
- 22 Q. But do you know who did that?
- 23 A. I'm not sure.
- 24 Q. Okay. So this organizational chart shows on
- 25 top Mal and Linda Sneed, CEO?

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- 1 A. Correct.
- 2 Q. Okay. So we clarified that your wife, she's
- 3 not a CEO, she's just your executive secretary?
- 4 A. That's correct. She doesn't work a whole lot
- 5 anymore.
- 6 Q. Okay. Is she retired?
- 7 A. No.
- 8 Q. Are you still working every day?
- 9 A. Not every day.
- 10 Q. How often do you --
- 11 A. Oh, me?
- 12 Q. Yeah.
- 13 A. No, I work every day.
- 14 Q. Okay.
- 15 A. I'm sorry. I thought you meant my wife.
- 16 Q. No. No. Let me ask -- let me ask you about
- 17 you first.
- 18 Do you still go to work every day?
- 19 A. Yes, ma'am.
- 20 Q. And your office is located at the 1918 Barton
- 21 Drive, Shreveport?
- 22 A. Correct.
- 23 Q. Which is the corporate office for S-3 Pump
- 24 Service?
- 25 A. Correct.

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- 1 Q. You have your own personal office there?
- 2 A. Yes.
- 3 Q. Your wife has her own personal office there?
- 4 A. Yes.
- 5 Q. Okay. What time do you usually get to work?
- 6 A. 7:30.
- 7 Q. What time do you usually leave work?
- 8 A. Depends, 6:30 to 9:00 or 10:00.
- 9 Q. So you put in full day of work every day?
- 10 A. Correct.
- 11 Q. 14, 90 hours a week, or -- I'm trying to
- 12 figure out how much you work, actually.
- 13 A. Probably 14. When I go home, I work. So I
- 14 do 14, 15 hours of work a day easy.
- 15 Q. How many hours your wife works?
- 16 MR. HILBURN: I'm going to object again to
- 17 the extent this is outside the scope of the witness
- 18 designation.
- 19 A. I would hate to put a number on it.
- 20 BY MS. JACKSON:
- 21 Q. Just give me your best estimate. I know she
- 22 works at home, which is --
- 23 A. Six, seven hours.
- 24 Q. A day?
- 25 A. Yeah, if that.

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- 1 Q. At S-3 Pump Service?
 2 A. Yes.
 3 Q. And then you directly supervise Nicole
 4 Scates, Courtney Sneed, Lesley Amos, and Richard
 5 Silva?
 6 A. Correct.
 7 Q. Do you have regular meetings with these
 8 people?
 9 A. On occasion, yes.
 10 Q. Okay. Do you have any like -- you know, some
 11 companies have like weekly meetings for the employees
 12 where they discuss issues, what's going on, you know,
 13 what plan, discuss the plan, what happened.
 14 Do you have anything like that?
 15 A. Along what lines? I'm not following you.
 16 Q. About the work.
 17 A. Are you talking about corporate?
 18 Q. Corporate, with the field employees.
 19 Do you have any meetings for corporate or
 20 field employees on a weekly, monthly basis when
 21 everybody gets together and you guys talk about things
 22 that's going on?
 23 A. The problem is getting field employees
 24 together. You can't. They're scattered. They're
 25 working. It's very difficult to do.

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- 1 Q. Okay. So, when you need something, when you
 2 need to talk to field employees, do you just call
 3 them?
 4 A. There again, I'm speculating. There's
 5 someone else that knows that better. I would assume
 6 that or e-mail, or something. I don't know.
 7 Q. Let me just ask you this. Do you ever
 8 communicate with like hands, operators, supervisors,
 9 who are there at the field, or somebody else doing it
 10 for you?
 11 A. As far as business wise?
 12 Q. Yes.
 13 A. No. I do informally when I see them, talk to
 14 them, but it's informal. It's not about business.
 15 Q. So, when you -- your communications with them
 16 is just -- you said I communicate with them
 17 informally.
 18 What do you mean?
 19 MR. HILBURN: Objection, form.
 20 A. Pass somebody in the hall, you say hi, how
 21 you doing.
 22 BY MS. JACKSON:
 23 Q. Okay. So you don't discuss business; you
 24 just say, hi, how are your kids, like what's going on?
 25 A. Oh, yeah. Yeah. You be polite.

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- 1 Q. Just being friendly?
 2 A. Yes.
 3 Q. But you personally don't discuss business
 4 with hands or operators or supervisors who are working
 5 at the job site; you have somebody else who does it
 6 for you?
 7 A. Very seldom does that happen.
 8 Q. You're far away from them in the chain of
 9 command to communicate with them about the work;
 10 right?
 11 A. About once a year at a Christmas party I
 12 discuss it.
 13 Q. Okay. To your knowledge, how many hours
 14 hands or operators work like on the per weekly basis?
 15 MR. HILBURN: Objection to the extent
 16 that's outside the scope of the witness designation.
 17 MS. JACKSON: Okay.
 18 A. I'd have to -- it depends. It varies, the
 19 job they're on, what's going on.
 20 BY MS. JACKSON:
 21 Q. Okay.
 22 A. That kind of thing.
 23 Q. Do you expect them to stay at their job
 24 location as long as the job needs to get done?
 25 A. What do you mean?

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- 1 Q. Let me just ask you this. Let me rephrase
 2 that.
 3 Do you -- do you have any personal knowledge
 4 sitting here today how many hours hands or operators
 5 work on the weekly basis?
 6 A. No.
 7 MR. HILBURN: Maryna, I'm going to object
 8 again.
 9 I mean, are you asking Mal Sneed
 10 individually, or are you asking the company?
 11 MS. JACKSON: I'm asking if he has a
 12 personal knowledge.
 13 MR. HILBURN: Mal Sneed, not the corporate
 14 deposition?
 15 MS. JACKSON: Yes.
 16 MR. HILBURN: Okay.
 17 A. No.
 18 BY MS. JACKSON:
 19 Q. And do you have any personal knowledge about
 20 how many hours supervisors work?
 21 A. No.
 22 Q. On the weekly basis?
 23 A. No.
 24 Q. I'm just trying to get it correct for the
 25 court reporter. So let's go back to this

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1 organizational chart.

2 **A. Okay.**

3 **Q. It says that Nicole Scates and Courtney**

4 **Sneed, they are VP administration?**

5 **A. Correct.**

6 **Q. Okay. And it says -- shows that they**

7 **supervise accounts receivable right here, human**

8 **resources, payroll, accounts, accounts payable,**

9 **administrative assistant, and IT manager?**

10 **A. Correct.**

11 **Q. So you have an HR department; right?**

12 **A. Correct.**

13 **Q. It shows that only one person is employed in**

14 **your HR department, James Teague; right?**

15 **A. Correct.**

16 **Q. What is his job duties?**

17 **A. His job duties?**

18 **Q. Uh-huh.**

19 **A. Someone else can answer that better than me.**

20 **Job duties are to keep up with an array of things,**

21 **insurance when it comes due.**

22 **We have to keep up with a lot of**

23 **documentation on each employee. He does that.**

24 **Someone has a problem with insurance, they call James**

25 **and he helps them with it.**

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1 **Q. Okay. To your knowledge, does S-3 Pump**

2 **Service have a handbook for the employees?**

3 **A. Yes.**

4 **Q. Who put that handbook together?**

5 **A. That handbook, I did the initial one. Our**

6 **handbook now goes to our insurance carrier. They**

7 **review it every year and deem what needs to be added**

8 **and what needs to be taken out.**

9 **Q. Okay. So, when you started, when you and**

10 **your wife started your company in 2005, right, you put**

11 **together the handbook for the employees?**

12 **A. Correct.**

13 **Q. How did you do that? Did you just sit down**

14 **and write it? Did you take a copy from somewhere and**

15 **just put it together?**

16 **A. I used the guidelines from Weatherford**

17 **International is what I used.**

18 **Q. Okay. So you just took the handbook that you**

19 **were familiar with while you were working for**

20 **Weatherford International and made some changes and**

21 **say here you go, we're going to have this handbook?**

22 **A. Correct.**

23 **Q. Okay. Did you do it on your own, or you had**

24 **somebody else helping you?**

25 **A. I did it myself.**

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1 **Q. Okay. How many employees did S-3 Pump**

2 **Service have when it started?**

3 **A. Two.**

4 **Q. You and your wife?**

5 **A. That's correct.**

6 **Q. Okay. The first year when S-3 Pump Service**

7 **was operating, how many employees -- what is the**

8 **highest number of employees that it had?**

9 **A. That would have been three or four.**

10 **Q. Do you remember when you put this handbook**

11 **together?**

12 **A. It was before we actually started the**

13 **business.**

14 **Q. Okay. What other documents did you put**

15 **together when you start S-3 Pump Service?**

16 **A. Safety stuff, training, just everything that**

17 **a business owner has to put together.**

18 **Q. Okay. So training manuals was something that**

19 **you drafted?**

20 **A. The training manuals are what oil companies**

21 **said we had to have and what we needed to train.**

22 **Q. So where did you get that training manual?**

23 **A. I don't recall. On-line site where you**

24 **download modules to do training and stuff.**

25 **Q. Okay. And safety manual, the same way, you**

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1 just pull it from some website?

2 **A. Safety manual, basically, came from**

3 **Weatherford and critiqued for our business.**

4 **Q. Did you make any changes?**

5 **A. Oh, yeah.**

6 **Q. Okay. When you were employed at Weatherford,**

7 **you were working for them as the district manager;**

8 **right?**

9 **A. Yes.**

10 **Q. Okay. And you took a lot of practices how**

11 **Weatherford did business to your new company?**

12 **MR. HILBURN: Objection, form.**

13 **A. What do you mean by practices?**

14 **BY MS. JACKSON:**

15 **Q. Well, you basically -- you know, you adopted**

16 **the handbook, because you, obviously, probably like it**

17 **or otherwise you wouldn't take it; right?**

18 **MR. HILBURN: Objection, form.**

19 **BY MS. JACKSON:**

20 **Q. You wouldn't use it at S-3 Pump Service?**

21 **A. Right.**

22 **Q. So you took the handbook and adopted it for**

23 **S-3 Pump Service and just used that handbook; right?**

24 **A. Yes.**

25 **Q. Okay. You took some other -- you said you**

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<p style="text-align: right;">81</p> <p>1 took some safety manual from them?</p> <p>2 A. I drafted mine close to theirs, yes.</p> <p>3 Q. Okay. What other practices did you take from</p> <p>4 the Weatherford and adopt at S-3 Pump Service?</p> <p>5 A. Are we talking about paper stuff?</p> <p>6 Q. Papers, yes.</p> <p>7 A. That's it.</p> <p>8 Q. That's it. Okay.</p> <p>9 What about the manner of how you pay</p> <p>10 employees?</p> <p>11 A. Demeanor?</p> <p>12 Q. No, the manner. Like, you know, employee</p> <p>13 classifications, did you take it from the Weatherford?</p> <p>14 A. No.</p> <p>15 Q. How did you decide how much money you're</p> <p>16 going to pay your employees?</p> <p>17 A. That depends on the market and what it takes</p> <p>18 to bring good talent in. That changes day to day in</p> <p>19 the oil and gas industry.</p> <p>20 Q. Did you make the decision of whether to pay</p> <p>21 employees salary or whether to pay them hourly?</p> <p>22 A. No, we did salary.</p> <p>23 Q. Okay. Who made the decision?</p> <p>24 A. I did.</p> <p>25 Q. Okay. And is that how Weatherford paid</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">83</p> <p>1 him salary as opposed to hourly or any other way?</p> <p>2 A. Most people would rather have -- especially</p> <p>3 in the oil field, would rather have a salary versus an</p> <p>4 hourly wage.</p> <p>5 Reason being, if you don't work one week, you</p> <p>6 don't get paid. With a salary, you always know you've</p> <p>7 got X amount of money coming in. And then they got a</p> <p>8 bonus program on top of that.</p> <p>9 Q. Okay. Did you look at any like Department of</p> <p>10 Labor regulations and how to pay employees?</p> <p>11 A. Sure. Absolutely.</p> <p>12 Q. Which regulations did you look at?</p> <p>13 A. FSLA. You go through it. Then you have the</p> <p>14 Motor Carrier's Act which is an exemption, which all</p> <p>15 my people fall under.</p> <p>16 Oil field hands have to have CDLs, and we</p> <p>17 have to follow federal guidelines for DOT.</p> <p>18 Q. Okay. And which document -- I mean, did you</p> <p>19 look at these documents before you hired your first</p> <p>20 hands?</p> <p>21 A. I've known about those documents since I was</p> <p>22 in my 30s or in my 20s.</p> <p>23 Q. Okay.</p> <p>24 A. I've been driving trucks before there was</p> <p>25 CDL.</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>
<p style="text-align: right;">82</p> <p>1 its --</p> <p>2 A. They had some by the hour, and then some they</p> <p>3 had as exempt.</p> <p>4 Q. Okay. So, when you first hired employees --</p> <p>5 A. Correct.</p> <p>6 Q. -- who were they?</p> <p>7 A. You mean where did they come from?</p> <p>8 Q. No. What were their job titles when S-3 Pump</p> <p>9 Service hired employees?</p> <p>10 A. They start as a hand in the field.</p> <p>11 Q. So you said during the first year when S-3</p> <p>12 Pump Service were operating --</p> <p>13 A. That's correct.</p> <p>14 Q. -- it was you and your wife?</p> <p>15 A. Right.</p> <p>16 Q. And you were employed as -- you were doing</p> <p>17 the work of oil field worker; right?</p> <p>18 A. I was the pump operator, supervisor.</p> <p>19 Q. And you just hired several hands?</p> <p>20 A. My wife was my hand for six months. After</p> <p>21 six months, then I hired a man to be my pump hand.</p> <p>22 Q. Okay. Did you -- how did you pay him?</p> <p>23 A. Oh, boy. You're going way back. I'm pretty</p> <p>24 sure it was salary.</p> <p>25 Q. Okay. Why did you make the decision to pay</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">84</p> <p>1 Q. Okay. And you said you based your decision</p> <p>2 based on Motor Carrier Act and FSLA?</p> <p>3 A. Right, and 13(b)(1) exemption.</p> <p>4 Q. Okay. What is 13(b)(1) exemption?</p> <p>5 A. 13(b)(1) exemption states that anybody in</p> <p>6 interstate commerce business, whether they move a</p> <p>7 product for sale or they move their own equipment for</p> <p>8 rental, so forth and so on, falls into that act. And</p> <p>9 that overtime does not have to be paid, that they're</p> <p>10 exempt.</p> <p>11 Q. Okay. So you based your decision on -- you</p> <p>12 made a decision based on this 13(b)(1) exemption?</p> <p>13 A. On federal law, yes, ma'am.</p> <p>14 Q. And the federal law you're referring, this is</p> <p>15 just what you described or some other law?</p> <p>16 A. I'm sorry?</p> <p>17 Q. You say you made your decision based on this</p> <p>18 13(b)(1) exemption in some federal law.</p> <p>19 A. I made a decision because I grew up in the</p> <p>20 trucking business. My dad owned a trucking company.</p> <p>21 When they did the safe act in 1989, and then</p> <p>22 in 1992 we came out with CDLs, we got attorneys to</p> <p>23 figure out what we had to do and not do.</p> <p>24 Q. Okay.</p> <p>25 A. So I've known that since I was in my 30s how</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>

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1 you have to pay and what's exempt and what's not
 2 exempt.
 3 Q. So, when you created S-3 Pump Service, Inc.,
 4 right, and you started to hire employees, you started
 5 to hire your hands and operators, you made your
 6 decision based on your experience while you were
 7 working for your father?
 8 A. And federal law.
 9 Q. And federal law. And by federal law, I mean,
 10 I'm just trying to figure out what do you mean by
 11 federal law because it's just a big word that can mean
 12 a lot of things?
 13 A. FSLA --
 14 MR. HILBURN: Objection, form.
 15 A. -- Motor Carrier's Act and 13(b)(1).
 16 BY MS. JACKSON:
 17 Q. All right. And you decided that everybody
 18 who move --
 19 A. I didn't decide that. An attorney told us
 20 that.
 21 Q. Who was that?
 22 A. Years ago.
 23 Q. Who did that? Who was that attorney?
 24 A. I don't remember. He was an attorney for my
 25 father.

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1 Q. Okay. So you said that you were working for
 2 your father at Ellen {sic} Service Company?
 3 A. L&S Service Company.
 4 Q. L&S. Sorry. And that was seven years after
 5 you graduated high school you were working there?
 6 A. No. I started driving a truck when I was 14
 7 for my father moving drilling rigs.
 8 Q. Okay. How old were you when you stopped
 9 working for your dad?
 10 A. When I started?
 11 Q. Stopped working.
 12 A. I was working for him before I went to
 13 Weatherford.
 14 Q. Okay.
 15 A. That would have put me at -- hang on a
 16 second -- I would have been 35, 36 years of age, I
 17 guess.
 18 Q. 35, 36. So let me just make sure that we've
 19 got everything clear.
 20 Okay?
 21 A. Okay.
 22 Q. When I went through your employment history
 23 before, you said that, obviously, you were managing
 24 S-3 Pump Service for the last ten years?
 25 A. Right.

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1 Q. And before, for ten years before that, you
 2 were district manager for Weatherford International;
 3 right?
 4 A. Correct.
 5 Q. And before that for seven years, you work --
 6 you did sales in the company trucking?
 7 A. I said off and on for seven years for my dad.
 8 I worked for him at different times.
 9 Q. Okay. So almost, for almost like before you
 10 started work for Weatherford, which is 20 years ago,
 11 so -- until 1995, you were working for your father?
 12 MR. HILBURN: Objection, form.
 13 A. I don't have the dates in front of me, ma'am.
 14 BY MS. JACKSON:
 15 Q. Okay. Well, you were operating S-3 Pump
 16 Service for ten years?
 17 A. Right.
 18 Q. That brings us back to 2005.
 19 A. Uh-huh.
 20 Q. Then, for ten years, you were district
 21 manager for Weatherford International?
 22 A. Correct.
 23 Q. That brings us back to 1995.
 24 A. That's correct.
 25 Q. Okay. So are you saying that from the time

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1 you finished high school until sometime in 1995 you
 2 were working for your dad on and off?
 3 A. Correct.
 4 Q. Okay. And that at some time during that
 5 time, when you were working for your dad before 1995,
 6 you learned about this Motor Carrier exception and the
 7 federal law and those regulations that you just cited?
 8 A. Yes.
 9 Q. Okay. And there was some attorney who your
 10 father consulted some time period like after you
 11 graduated high school and before 1995 who gave you
 12 this advice that --
 13 A. Yes.
 14 Q. -- the hands are exempt?
 15 A. Correct.
 16 Q. So you relied on advice somebody was given
 17 sometime before 1995; right?
 18 A. Correct.
 19 Q. But you don't remember the name of that
 20 attorney?
 21 A. No, ma'am, I don't.
 22 Q. Okay. And when you started your company, did
 23 you go to any attorney kind of like to get any advice
 24 about whether this is still correct law or whether
 25 this is right way to pay people?

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<p style="text-align: right;">101</p> <p>1 Q. Correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And then I was trying to figure out</p> <p>4 what exactly did you mean when you say oil field</p> <p>5 exemption.</p> <p>6 And you said that your understanding of the</p> <p>7 full oil field exemption had to do with driver logs;</p> <p>8 right?</p> <p>9 MR. HILBURN: Objection, form.</p> <p>10 A. It has to do with driver logs, but it also</p> <p>11 designates when the hand is on duty and off duty. On</p> <p>12 duty is when he is in the act of physically doing</p> <p>13 work. Off duty is when he's at rest, he's not doing</p> <p>14 anything on the job site.</p> <p>15 In the oil industry, you may go days and sit</p> <p>16 there and not do anything that you're supposed to do</p> <p>17 at the well site because of problems.</p> <p>18 <u>BY MS. JACKSON:</u></p> <p>19 Q. Okay.</p> <p>20 A. So, therefore, they're not working.</p> <p>21 Q. Okay. So your understanding of this change</p> <p>22 in 2007, that they had to deal with the way hands or</p> <p>23 supervisors had to fill driver logs and with the way</p> <p>24 that, if they're on the job site and not working, that</p> <p>25 time is not working time?</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">103</p> <p>1 you I study the law at least once a year.</p> <p>2 Q. You personally?</p> <p>3 A. Every year.</p> <p>4 Q. Okay. Anything else that's done at S-3 Pump</p> <p>5 Service other than that?</p> <p>6 A. Yes. There's all kind of articles in the oil</p> <p>7 field about -- and transportation companies, about</p> <p>8 what to do, what laws are coming. I read those.</p> <p>9 Q. Okay.</p> <p>10 A. Okay. That's my job.</p> <p>11 Q. Okay.</p> <p>12 A. I haul heavy equipment. I am -- federal</p> <p>13 government regulates everything I do, say, or anything</p> <p>14 else, and I have to follow those laws and we do.</p> <p>15 Q. Sure. Okay. So you read -- you personally</p> <p>16 read articles, make sure nothing changed, and you're</p> <p>17 making those decisions?</p> <p>18 MR. HILBURN: Objection, form.</p> <p>19 A. Right.</p> <p>20 <u>BY MS. JACKSON:</u></p> <p>21 Q. Right, sir?</p> <p>22 A. Correct.</p> <p>23 Q. Let's go back to this organizational chart.</p> <p>24 A. Okay.</p> <p>25 Q. We were talking about James Teague, human</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>
<p style="text-align: right;">102</p> <p>1 MR. HILBURN: Objection, form.</p> <p>2 <u>BY MS. JACKSON:</u></p> <p>3 Q. Right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And that's the only change that was</p> <p>6 made in 2007 to the Motor Carrier Act, to your</p> <p>7 knowledge?</p> <p>8 A. Going off my memory from seven years ago, I</p> <p>9 think that's correct.</p> <p>10 Q. Okay. Going off your memory, to your</p> <p>11 personal knowledge, were there any other examinations</p> <p>12 of the law or anything else that you did from 2005 to</p> <p>13 2015 to determine if there were any changes made in</p> <p>14 the law, if you're still classifying people correctly?</p> <p>15 MR. HILBURN: Are you asking S-3 Pump, or</p> <p>16 are you asking Mal Sneed?</p> <p>17 MS. JACKSON: S-3 Pump Service.</p> <p>18 A. Ask me the question again, please.</p> <p>19 <u>BY MS. JACKSON:</u></p> <p>20 Q. Okay. From 2005 until 2015, did S-3 Pump</p> <p>21 Service do anything else other than what you just</p> <p>22 testified about changes in the law made in 2007 and</p> <p>23 your analyzing those changes, was there anything else</p> <p>24 that was done at S-3 Pump Service?</p> <p>25 A. I've answered that question already. I told</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>	<p style="text-align: right;">104</p> <p>1 resources, and you said that you hired him about four</p> <p>2 years ago?</p> <p>3 A. Three or four.</p> <p>4 Q. What is his responsibilities?</p> <p>5 A. Human resources.</p> <p>6 Q. Well, different --</p> <p>7 A. Insurance. Insurance. Oh, God, just a gamut</p> <p>8 of things. Anything and everything that relates from</p> <p>9 the employee to us is what he handles.</p> <p>10 Q. Okay. Does he hire employees?</p> <p>11 A. Occasionally.</p> <p>12 Q. Who usually hires employees at S-3 Pump</p> <p>13 Service?</p> <p>14 A. For years it's been Jason Martin or Richard</p> <p>15 or one of the other managers.</p> <p>16 MR. SANFORD: We're going to go off the</p> <p>17 record for just a second.</p> <p>18 (Whereupon, there was a discussion held</p> <p>19 off the record)</p> <p>20 <u>BY MS. JACKSON:</u></p> <p>21 Q. So my question is: Who at S-3 Pump Service</p> <p>22 hires employees?</p> <p>23 A. Majority were hired by Jason Martin.</p> <p>24 Q. And can you point where is he?</p> <p>25 A. He's the district manager for North</p> <p style="text-align: right;">Accurate Reporting of Shreveport, Inc. (318) 425-1323</p>

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

* * * * *

JASON ROCHE, ET AL, Each	:	
Individually and on behalf of	:	
All Others Similarly Situated	:	
	:	
VERSUS	:	NO. 5:15-cv-268-XR
	:	
S-3 PUMP SERVICE, INC.	:	

* * * * *

30 (b) (6) DEPOSITION OF LESLEY AMOS
 SEPTEMBER 29, 2015

Reported By:
 Pamela R. Crenshaw, CCR

1 do so.

2 MS. JACKSON: It has not been. That's
3 why I would like to clarify it.

4 BY MS. JACKSON:

5 Q What is the process of how S3 Pump Services
6 hires hands or supervisors?

7 A Generally the process starts with a
8 prospective employer reaching out to us. Either they
9 know someone that works for us or they're family with
10 someone that works for us. And they start with an
11 employment application.

12 We have those online. We also have that where
13 you can download it online. We also will provide it if
14 you come in our office.

15 That is then reviewed by an operations manager
16 or our Human Resources department and forwarded to the
17 appropriate operations manager. At that point the
18 decision is made if they want to bring someone in to
19 interview.

20 When they're brought in to interview, the
21 rotation schedule would be explained to them, the pay
22 would be explained to them, what they're being hired
23 for, which we generally always hire pump assistants or
24 hands. And then after a time goes by, you may or may
25 not be promoted to pump supervisor.

1 Then as I mentioned previously, we have to
2 invest, you know, money in to meet all of our DOT
3 requirements. And so if the interview process -- if the
4 person thought that they were going to be a good fit,
5 then we would start the process. And we generally start
6 with using a third -- we use a third-party agency and we
7 pull their motor vehicle record, their MVR, and a
8 background check.

9 Those two we do initially, because if things
10 come up on those that are going to prevent you from
11 being employed, then we don't waste the time on drug and
12 alcohol testing and all the other things that we have to
13 do for DOT.

14 If those are clear or clean and we can move
15 forward, then we would go ahead and schedule the drug
16 and alcohol testing through a third party. We would,
17 you know, follow-up -- basically get everything that's
18 in that DQ file, the driver qualifications, get all of
19 that in there so that we can make sure that they're able
20 to drive for us and work for us.

21 Q And is that process of hiring employees the
22 same for all occasions?

23 A Yes.

24 Q No matter whether they're employed in Ohio,
25 Texas, Louisiana?

1 A Yeah. Generally everyone fills out the
2 application. Now, a manager -- you know, if the person
3 is in South Texas they might be interviewed by an
4 operation manager in South Texas. If they're here and
5 might be going to work for us in South Texas, they would
6 get interviewed here, because that's where they are.

7 Q So the only difference is location of the
8 interviewer?

9 A Right.

10 Q Who usually participates in interviews?

11 A It's generally just our operations manager or
12 our Human Resources employee. And it's not both. I
13 would think that if one of our operations manager here
14 locally called and wanted to interview, that person
15 would come to our --

16 Q So who usually makes a decision about hiring
17 or not hiring an employee?

18 A Our operations manager would make the initial
19 decision on if they wanted to invest the time. But
20 several of these things that we have to do might
21 eliminate them.

22 Like if their doctor won't say they're
23 physically fit to perform, you know, and issue them a
24 medical card, then they might be out of the process.

25 So even though the operations manager might

1 have said yes this is someone I'm interested in, he has
2 good experience, if he can't meet the requirements it
3 might not be someone that ultimately gets hired.

4 Q And usually just operation manager or the HR
5 person who does the interview?

6 A That's right. If you know someone within our
7 organization, then it might be, you know, president of
8 operations or someone of that nature.

9 But generally it's the operations manager.
10 And they're the one that's going to be setting the
11 schedule and they're able to explain, you know, what
12 your rotation would be and when you would start, things
13 of that nature.

14 Q Do you know what factors, what qualifications,
15 that S3 Pump Services looks for in a hand?

16 A Well, for hands and pump supervisors you have
17 to have your CDL, because every one of our field
18 employees are expected to drive our equipment, which
19 it's interstate so it's going to be -- we work in
20 Louisiana, Texas, Mississippi, Ohio. We've done work in
21 North Dakota before. So you have to have your CDL to
22 even be considered.

23 And on the online application it asks do you
24 have a CDL.

25 Q Anything else, other than CDL, is required to

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

* * * * *

JASON ROCHE, ET AL, Each	:	
Individually and on behalf of	:	
All Others Similarly Situated	:	
	:	
VERSUS	:	NO. 5:15-cv-268-XR
	:	
S-3 PUMP SERVICE, INC.	:	

* * * * *

DEPOSITION OF JASON ROCHE
 SEPTEMBER 30, 2015

Reported By:
 Pamela R. Crenshaw, CCR

1 January 9th but officially on their paper I think it was
2 January 11th of 2012.

3 Q That's when you started with S3?

4 A Yes.

5 Q Lawsuit history. Ever filed a lawsuit?

6 A Never.

7 Q Never been a party defendant in a lawsuit?

8 A No, sir.

9 Q Never given deposition testimony. Any
10 criminal record at all?

11 A Not that I'm aware of.

12 Q How did you -- tell me the process of you
13 coming to work for S3 Pump. How did you hear about S3?

14 A My little brother -- actually Trey Brice --
15 while I was still in I was starting to network before I
16 got out of the Marine Corps so I could come out pretty
17 much on my feet running.

18 And Trey Brice told me to come talk to him. I
19 talked to him. And two days later I went up there on
20 Monday on the 9th and dropped off an application.
21 Talked to David Blain. Seen my secret security
22 clearance that I had and told me you're hired.

23 Q So through trey Brice and David Blain is where
24 you got your initial information about S3 Pump?

25 A Correct.

1 A Correct.
 2 MR. HILBURN: Objection; form.
 3 A Correct.
 4 BY MS. JACKSON:
 5 Q Did you drive pickup trucks with no
 6 attachments from one state to another?
 7 A State to state? No.
 8 Q Did you ever cross the state lines in pickup
 9 trucks?
 10 A In a personal pickup, not a company.
 11 Q How often did you perform pretrip and post
 12 trip inspection on pickups?
 13 A Every day. You started when you get on the
 14 job. Or shift anyways.
 15 Q Did you ever drive Ranger from location to
 16 location?
 17 A Yes, I did.
 18 Q You testified earlier about you driving
 19 Peterbilt truck?
 20 A Several, yes, I have.
 21 Q Couple times?
 22 A Few times.
 23 Q But you didn't expect to drive Peterbilt
 24 trucks every day as a part of your job duties, did you?
 25 A No, I did not.

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 318-425-1323

1 Q You did not expect to drive Peterbilt trucks
 2 weekly as a part of your job duties?
 3 A No, I did not.
 4 Q So this was just a random thing that you did
 5 once or twice in the entire time you were employed?
 6 A During the 14 day period, you rig down and rig
 7 up, move over from one location to location maybe once
 8 in a two week hitch. So twice a month you might catch
 9 one of them. So yeah.
 10 Q You testified that you put all your driving
 11 hours in your logbooks, right?
 12 A Yes.
 13 Q You put hours that you spent driving pickups
 14 with or without equipment in logbooks?
 15 A Yes.
 16 Q So how many hours could you drive per day?
 17 A Max drive hours is -- I think it's ten drive
 18 hours. If you have 14 total, that's -- the other four
 19 is including loading/unloading that you're driving
 20 18-wheeler.
 21 Q So majority of your driving time, was it spent
 22 driving pickups?
 23 A Majority of it was pickups.
 24 Q Did you pretty much exhaust all your driving
 25 hours on that pickup? Driving pickup trucks?

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 318-425-1323

1 A I'd drive maybe two hours a day; hour
 2 location, hour back.
 3 MS. JACKSON: Thank you. No more
 4 questions.
 5 MR. HILBURN: No questions.
 6 MS. JACKSON: Thanks. You're done.
 7 (End of Proceedings.)
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ACCURATE REPORTING OF SHREVEPORT, INC.
 318-425-1323

CERTIFICATE

1
 2
 3 STATE OF LOUISIANA:

4 PARISH OF CADDO :
 5

6 I, PAMELA R. CRENSHAW, Certified Court
 7 Reporter, in and for the State of Louisiana, as the
 8 officer before whom this testimony was taken, do
 9 hereby certify that JASON ROCHE, after having been
 10 duly sworn by me upon authority of R.S. 37:2554, did
 11 testify as hereinabove set forth in the foregoing 47
 12 pages.

13 I further certify that this testimony was
 14 reported by me in the stenotype reporting method,
 15 was prepared and transcribed by me or under my
 16 personal direction and supervision, and is a true
 17 and correct transcript to the best of my ability and
 18 understanding.

19 I further certify that the transcript has been
 20 prepared in compliance with transcript format
 21 guidelines required by statute or by rules of the
 22 board, that I have acted in compliance with the
 23 prohibition on contractual relationships, as defined
 24 by Louisiana Code of Civil Procedure Article 1434
 25 and in rules and advisory opinions of the board.

ACCURATE REPORTING OF SHREVEPORT, INC.
 318-425-1323

1 I further certify that I am not employed by nor
2 related to any of the parties to this cause nor in
3 any way interested in the event thereof.

4 SUBSCRIBED AND SWORN to the 12th day of
5 October, 2015.

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7
8 
9 PAMELA R. CRENSHAW, CCR
CCR #99014

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ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

1 CHANGES AND SIGNATURE

2 WITNESS NAME: JASON ROCHE

3 DATE OF DEPOSITION: SEPTEMBER 30, 2015

4 PAGE LINE CHANGE REASON

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ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

1 I, JASON ROCHE, have read the foregoing deposition
2 and hereby affix my signature that same is true and
3 correct, except as noted above.

4
5
6 _____
7 JASON ROCHE

8 STATE OF LOUISIANA.

9 PARISH OF CADDO:

10 Before me, the undersigned authority, on this day
11 personally appeared, JASON ROCHE, known to me (or proved
12 to me under oath or through _____)
13 (description of identity card or other document) to be
14 the person whose name is subscribed to me that they
15 executed the same for the purpose and consideration
16 therein expressed.

17 Given under my hand and seal of office this
18 day of _____, 2015.

19
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21 _____
22 NOTARY PUBLIC

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ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

* * * * *

JASON ROCHE, ET AL, Each	:	
Individually and on behalf of	:	
All Others Similarly Situated	:	
	:	
VERSUS	:	NO. 5:15-cv-268-XR
	:	
S-3 PUMP SERVICE, INC.	:	

* * * * *

DEPOSITION OF JAMES W. WEDGEWORTH
 OCTOBER 2, 2015

Reported By:
 Pamela R. Crenshaw, CCR

1 Q Do you remember anything about the
2 application? Did it talk about any kind of job
3 requirements?

4 A No.

5 MR. SANFORD: Hold on. Object to form.
6 Go ahead.

7 A No. It -- just standard application.

8 BY MR. HILBURN:

9 Q Name? Address? Previous employments?

10 A Basic stuff. Yeah, previous employments.

11 Q What was your next encounter with S3 Pump in
12 terms of following-up on that job application?

13 A I called to follow-up on the application, and
14 they said they -- they set a time. I don't remember the
15 exact time or day. They said, Why don't you come in,
16 sit down and talk with us. So I did that.

17 Q Do you remember the year?

18 A Last year.

19 Q About this time last year, huh?

20 September 2014?

21 A It was end of August.

22 Q And so tell me about the phone call.

23 A I called and said I was trying to figure out
24 the status of the application. They said, yeah, come on
25 in and talk to us. It was basically about that much.

1 And then so I went in and talked to them. I
2 talked to Jason Martin.

3 Q Do you remember what his position was at the
4 time?

5 A You know, I never really knew what his
6 position was. I just knew it was a position above an
7 entry level, because he had his own desk and office.
8 There was really no title or anything.

9 Q So this would have been over on Barton Road
10 then?

11 A No.

12 Q No? Hamilton?

13 A Yep.

14 Q And was he the only person you met with this
15 time?

16 A That's correct.

17 Q Tell me about the meeting.

18 A He explained to me there was a salary and then
19 he explained about the bonuses. And I asked him, I
20 said, Where would we be going? He said, Well, you can
21 go one of three ways. You can either go South Texas,
22 West Texas, or north to Ohio. You'll be gone two
23 weeks -- it's a two week hitch; you'll be gone two weeks
24 and off a week.

25 That was probably pretty much the long and

1 short of it. It didn't really cover a whole lot. It
2 was really vague.

3 Q Do you remember did he tell you at that time
4 what the salary would be?

5 A He told me what the salary would be.

6 Q Do you remember the number?

7 A No, I don't. I don't.

8 Q Did he tell you what the bonus would be?

9 A Yes.

10 Q What was that?

11 A 175 a day if we pumped.

12 Q And if you didn't pump, you didn't get a
13 bonus?

14 A That's correct.

15 Q And did it turn out that's how you were
16 actually paid, this -- whatever this salary was plus the
17 175 a day bonus?

18 A Actually, no. They paid me \$200 a month less
19 than what they promised me salary at hiring. But it
20 didn't matter, because I was there for the bonuses.

21 Q Right. So whatever the number was they
22 mentioned to you during one of these meetings as to what
23 the salary was, it ended up being about \$200 less than
24 what you understood it was going to be?

25 A Per month, uh-huh. That's correct.

1 Q During this meeting with Jason Martin, did you
2 guys talk about job qualifications?

3 A No. He asked me if I'd worked in the
4 oilfield. He goes, yeah, I see here Halliburton, okay.
5 But that was really about all that was said. It really,
6 to be honest with you, was nonchalant. Didn't seem like
7 it really mattered. Because I was being hired -- I was
8 hired in an entry level position, which was an oilfield
9 hand.

10 So I think the fact that they had hands with
11 supervisors, so it's kind of like OJT, on-the-job
12 training, so I was going to be supervised. But it
13 really wasn't -- he really didn't even press on it
14 really.

15 Q He knew you had your CDL?

16 MR. SANFORD: Hold on.

17 A No.

18 MR. SANFORD: Hold on. Object to form.
19 Go ahead.

20 A No. He never mentioned anything about a CDL.

21 BY MR. HILBURN:

22 Q But you had given him your job history and
23 shown that you'd been driving --

24 A There was a section on the application if you
25 had that information. You put your driver's license

C E R T I F I C A T E

STATE OF LOUISIANA:

PARISH OF CADDO :

I, PAMELA R. CRENSHAW, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that JAMES W. WEDGEWORTH, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinabove set forth in the foregoing 64 pages.

I further certify that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board.

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

CHANGES AND SIGNATURE

WITNESS NAME: JAMES W. WEDGEWORTH

DATE OF DEPOSITION: OCTOBER 2, 2015

PAGE	LINE	CHANGE	REASON
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[illegible]

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

I further certify that I am not employed by nor related to any of the parties to this cause nor in any way interested in the event thereof.

SUBSCRIBED AND SWORN to the 13th day of
October, 2015.

Pamela R. Crenshaw
PAMELA R. CRENSHAW, CCR
CCR #99014

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

I, JAMES W. WEDGEWORTH, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

JAMES W. WEDGENORTH

STATE OF LOUISIANA.

PARISH OF CADDO:

Before me, the undersigned authority, on this day personally appeared, **JAMES W. WEDGEMORTH**, known to me (or proved to me under oath or through _____) (description of identity card or other document) to be the person whose name is subscribed to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this
day of , 2015.

NOTARY PUBLIC

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

* * * * *

JASON ROCHE, ET AL, Each	:	
Individually and on behalf of	:	
All Others Similarly Situated	:	
	:	
VERSUS	:	NO. 5:15-cv-268-XR
	:	
S-3 PUMP SERVICE, INC.	:	

* * * * *

DEPOSITION OF MICHAEL JOSEY
 SEPTEMBER 30, 2015

Reported By:
 Pamela R. Crenshaw, CCR

1 Pump?

2 A He told me the pay and the benefits were
3 better than Schlumberger and then he would pass the
4 phone off to the assistant manager in Dilley, Texas, and
5 me and him would talk about how I already got the job,
6 come on down, just leave Schlumberger.

7 Q And you did that?

8 A I went on days off with Schlumberger and went
9 into the office and told them I was leaving, and went to
10 S3, filled out an application, talked to Perry
11 Pippenger.

12 I believe that same day he told me I was hired
13 after he found out my experience from frac at
14 Schlumberger. Said, Remember, save your hours. And
15 then I believe I went to talk to one of the ladies in HR
16 to fill everything out. And not too long after that I
17 was headed to Dilley, Texas.

18 Q What did your brother tell you the pay and
19 benefits would be before he handed the phone off to --

20 A He didn't exactly tell me exactly what the pay
21 was. He told me that the benefits were paid insurance
22 for the family.

23 Q You didn't know what you were going to be paid
24 when you started work then?

25 A It had to --

Q And when you did that, was it -- was it ever untrailerred? Without a trailer?

A Ninety percent of the time, 95 percent of the time.

Q It was?

A Untrailerred.

Q Did you ever have occasion to drive an F-250 without doing a pretrip inspection?

A Drive my F-250?

Q Yeah.

A No, sir.

Q Were you required by S3 to do a pretrip inspection of the F-250?

A I don't recall if that was a requirement by them or not. It's just something you do to prevent problems. You might go down the road and lock the engine up if you didn't check the oil and stuff.

MR. SANFORD: Pass.

MR. HILBURN: I think we're done.

MR. SANFORD: We're going to read and sign.

(End of Proceedings.)

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

C E R T I F I C A T E

STATE OF LOUISIANA:

PARISH OF CADDO :

6 I, PAMELA R. CRENSHAW, Certified Court
7 Reporter, in and for the State of Louisiana, as the
8 officer before whom this testimony was taken, do
9 hereby certify that **MICHAEL JOSEY**, after having been
10 duly sworn by me upon authority of R.S. 37:2554, did
11 testify as hereinabove set forth in the foregoing 49
12 pages.

13 I further certify that this testimony was
14 reported by me in the stenotype reporting method,
15 was prepared and transcribed by me or under my
16 personal direction and supervision, and is a true
17 and correct transcript to the best of my ability and
18 understanding.

19 I further certify that the transcript has been
20 prepared in compliance with transcript format
21 guidelines required by statute or by rules of the
22 board, that I have acted in compliance with the
23 prohibition on contractual relationships, as defined
24 by Louisiana Code of Civil Procedure Article 1434
25 and in rules and advisory opinions of the board.

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

I further certify that I am not employed by nor related to any of the parties to this cause nor in any way interested in the event thereof.

SUBSCRIBED AND SWORN to the 12th day of
October, 2015.

PAMELA R. CRENSHAW, CCR
CCR #99014

ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

CHANGES AND SIGNATURE

WITNESS NAME: MICHAEL JOSEY

DATE OF DEPOSITION: SEPTEMBER 30, 2015

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ACCURATE REPORTING OF SHREVEPORT, INC.
318-425-1323

In the United States District Court
Western District of Texas
San Antonio Division

Jason Roche, et al.,
Plaintiffs

v.

S-3 Pump Service, Inc., et al.,
Defendants.

Cause No. 5:15-cv-268-XR

Judge Xavier Rodriguez

Magistrate Primomo

Declaration of Linda Sneed

1. My name is Linda Sneed. I am of sound mind, over the age of 18, and capable of making this Declaration based upon my personal knowledge as a 50% shareholder of S3 Pump Service, Inc., and as an S3 Pump employee in the capacity of executive secretary to Malcolm Sneed since at least 2005.

2. I am not responsible for payroll and do not perform any payroll functions for S3 Pump. I do not troubleshoot or sign off on solutions to any payroll problems with S3 Pump.

3. There are no S3 Pump employees who report to me.

4. I have not played any role in developing or implementing any employee or payroll policies of S3 Pump since at least prior to 2011.

5. I do not possess the power to hire and fire employees at S3 Pump and have never hired or fired any employees with S3 Pump. In particular, I have never hired or fired or been involved in the hiring or firing of field hands or supervisors for S3 Pump.

6. I do not supervise or control any employee work schedules or conditions of employment. Specifically, I do not supervise or control the work schedules or conditions of employment for any of the plaintiff field hands or supervisors.

7. I do not determine the rate or method of payment of any S3 Pump employees, particularly that of the plaintiff field hands or supervisors.

8. I do not maintain employment records for S3 Pump.

I declare under penalty of perjury that the foregoing writing is true and correct.

Linda Sneed
Linda Sneed

12/1/15
Date

In the United States District Court
Western District of Texas
San Antonio Division

Jason Roche, et al.,
Plaintiffs

v.

S-3 Pump Service, Inc., et al.,
Defendants.

Cause No. 5:15-cv-268-XR

Judge Xavier Rodriguez

Magistrate Primomo

Declaration of Lesley Amos

1. My name is Lesley Amos. I am of sound mind, over the age of 18, and capable of making this Declaration based upon my personal knowledge as chief financial officer of S3 Pump Service, Inc.

2. I was involved in an inquiry into S3 Pump pay practices by the U.S. Department of Labor during 2015. During the inquiry, the U.S. Department of Labor (DOL) interviewed a number of employees, including some field hands and supervisors who perform the same functions as the plaintiff employees in this case. Additionally, the DOL investigators interviewed a number of upper management, payroll, accounts payable and human resources personnel, including myself.

3. Malcolm Sneed was not interviewed by the DOL during that investigation.

I declare under penalty of perjury that the foregoing writing is true and correct.

Lesley Amos
Lesley Amos

12-1-2015
Date